

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: EAST PALESTINE TRAIN  
DERAILMENT

)  
) CASE NO. 4:23CV0242  
)  
) JUDGE BENITA Y. PEARSON  
)  
) **ORDER**  
) [Resolving [ECF No. 574](#)]

Pending is Third-Party Defendants GATX Corporation and General American Marks Company's ("GATX") Motion for Leave to File Exhibits in Support of Motion for Summary Judgment and *Daubert* Motions Under Seal ([ECF No. 574](#)). Norfolk Southern filed a Response that states, in relevant part: "Norfolk Southern's response here concerns only information identified in the motions of OxyVinyls and GATX . . . for which Norfolk Southern seeks sealing, and, in that respect, Norfolk Southern supports both motions. Norfolk Southern takes no position on the appropriateness of GATX's confidentiality designations." [ECF No. 584 at PageID #: 17587](#).

GATX requests that the following lease-related documents be partially filed under seal with redactions:

- GATXCORP00000353 (rider to GATX's Car Service Contract with Third-Party Defendant OxyVinyls LP ("OxyVinyls") for GATX 95098;
- GATXCORP00000349 (amendment/renewal to rider to GATX's Car Service Contract with OxyVinyls for GATX 95098);

(4:23CV0242)

- GATXCORP00045232 (amendment/renewal to rider to GATX's Car Service Contract with OxyVinyls for GATX 95098);
- GATXCORP00000362 (rider to GATX's Car Service Contract with Braskem for GPLX 75465);
- GATXCORP00000282 (amendment/renewal to rider to GATX's Car Service Contract with Braskem for GPLX 75465); and,
- GATXCORP00000355 (amendment/renewal to rider to GATX's Car Service Contract with Braskem for GPLX 75465).

In addition, GATX requests that certain deposition transcripts<sup>1</sup> be filed under seal with redactions regarding information designated as confidential or for redaction pursuant to [Fed. R. Civ. P. 5.2](#) by Third-Party Plaintiffs Norfolk Southern Railway Company and Norfolk Southern Corporation ("Norfolk Southern").

For good cause shown, the motion is granted in part. GATX shall: (1) publically file a redacted version of their Motion for Summary Judgment and/or *Daubert* Motion(s) in their entirety; (2) file under seal these motions in their entirety; (3) publicly file a redacted version of GATXCORP00000353, GATXCORP00000349, GATXCORP00045232, GATXCORP00000362, GATXCORP00000282, and GATXCORP00000355 in their entirety that redacts only the financial figures; (4) file under seal these lease-related documents in their entirety; (5) publicly file a redacted version of the Deposition Transcripts of Barner, Bedell, Schnautz, Stauffer, Jordan, Faison, and Wood 30(b)(6) in their entirety and (6) file under seal

---

<sup>1</sup> The Depositions of Gould, Simpson, Barner, Bedell, Deutsch, Wood, Schnautz, Stauffer, Jordan, Faison, and Wood 30(b)(6). See [ECF No. 574 at PageID #: 14776](#).

(4:23CV0242)

these Deposition Transcripts in their entirety.<sup>2</sup> See Protective Order ([ECF No. 127](#)) at PageID #: 1520-22, ¶ 7; [Electronic Filing Policies and Procedures Manual at §§ 19 and 24](#).

IT IS SO ORDERED.

October 9, 2024  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge

---

<sup>2</sup> The Court has excluded the Depositions of Gould, Simpson, Deutsch, and Wood because OxyVinyls will be filing those Deposition Transcripts. See Order ([ECF No. 572](#)).